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Dated: 12/22/05

Signature:

(Lisa Adams)

Docket No.: 101896-0366
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bryan S. Jones et al.

Application No.: 10/813,904

Filed: March 31, 2004

For: HEAD-TO-HEAD CONNECTOR SPINAL
FIXATION SYSTEM

Confirmation No.: 5037

Art Unit: 3732

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

Applicants also bring to the attention of the Examiner the following commonly-owned, co-pending applications:

U.S. Patent Appl. No. 10/262,502, entitled "POLYAXIAL CROSS CONNECTOR," filed on October 1, 2002 (Atty. Docket No. DEP820);

U.S. Patent Appl. No. 10/237,508, entitled "SNAP-ON SPINAL ROD CONNECTOR," filed on September 9, 2002 (Atty. Docket No. 101896-101);

U.S. Patent Appl. No. 10/709,019, entitled "SPINAL CROSS-CONNECTORS," filed on April 7, 2004 (Atty. Docket No. 101896-245);

U.S. Patent Appl. No. 10/929,095, entitled "DUAL ROD CROSS CONNECTORS AND INSERTER TOOLS," filed on August 27, 2004 (Atty. Docket No. 101896-268);

U.S. Patent Appl. No. 10/908,845, entitled "SPINAL CROSS-CONNECTOR," filed on May 27, 2005 (Atty. Docket No. 101896-346);

U.S. Patent Appl. No. 11/162,934, entitled "ROD ATTACHMENT FOR HEAD TO HEAD CROSS CONNECTOR," filed on September 28, 2005 (Atty. Docket No. 101896-367).


It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b).

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)). Accordingly, no fees are believed to be due. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101896-0366.

Dated: 12/22/05

Respectfully submitted,

By 
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	10/813,904-Conf. #5037		
		Filing Date	March 31, 2004		
		First Named Inventor	Bryan S. Jones		
		Art Unit	3732		
		Examiner Name	Not Yet Assigned		
Sheet	1	of	5	Attorney Docket Number	101896-0366

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA*	US-20020169448-A1	11-14-2002	Vanacker	
	AB*	US-20040006342-A1	01-08-2004	Altarac et al.	
	AC*	US-20040049188-A1	03-11-2004	Slivka et al.	
	AD*	US-20040087949-A1	05-06-2004	Bono et al.	
	AE*	US-20040133203-A1	07-08-2004	Young et al.	
	AF*	US-20050228377-A1	10-13-2005	Chao et al.	
	AG	US-457,964	08-18-1891	F. H. Bolte	
	AH	US-596,729	01/1898	White	
	AI*	US-1,455,441	05/1923	LA Hodny William	
	AJ*	US-3,019,504	02/1962	Castagliuolo	
	AK*	US-3,752,203	08-14-1973	Hill, Jr.	
	AL*	US-4,085,744	04-25-1978	Lewis et al.	
	AM*	US-4,289,124	09-15-1981	Zickel	
	AN*	US-4,411,259	10-25-1983	Drummond	
	AO*	US-4,611,581	09-16-1986	Steffee	
	AP*	US-4,648,388	03-10-1987	Steffee	
	AQ*	US-4,655,199	04-07-1987	Steffee	
	AR*	US-4,696,290	09-29-1987	Steffee	
	AS*	US-4,763,644	08-16-1988	Webb	
	AT*	US-4,773,402	09-27-1988	Asher et al.	
	AU*	US-4,815,453	03-28-1989	Cotrel	
	AV*	US-4,913,134	04-03-1990	Luque	
	AW*	US-4,957,495	09-18-1990	Kluger	
	AX*	US-5,005,562	04-09-1991	Cotrel	
	AY*	US-5,024,213	06-18-1991	Asher et al.	
	AZ*	US-5,067,955	11-26-1991	Cotrel	
	AA1*	US-5,092,893	03-03-1992	Smith	
	AB1*	US-5,113,685	05-19-1992	Asher et al.	
	AC1*	US-5,120,171	06-09-1992	Lasner	
	AD1*	US-5,129,900	07-14-1992	Asher et al.	
	AE1*	US-5,147,359	09-15-1992	Cozad et al.	
	AF1*	US-5,154,718	10-13-1992	Cozad et al.	
	AG1*	US-5,176,680	01-05-1993	Vignaud et al.	
	AH1*	US-5,207,678	05-04-1993	Harms et al.	
	AI1*	US-5,242,443	09-07-1993	Kambin	
	AJ1*	US-5,261,913	11-16-1993	Marnay	
	AK1*	US-5,282,801	02-01-1994	Sherman	
	AL1*	US-5,306,275	04-26-1994	Bryan	
	AM1*	US-5,330,473	07-19-1994	Howland	
	AN1*	US-5,360,431	11-01-1994	Puno et al.	
	AO1*	US-5,395,370	03-07-1995	Muller et al.	
	AP1*	US-5,454,812	10-03-1995	Lin	
	AQ1*	US-5,476,462	12-19-1995	Allard et al.	
	AR1*	US-5,496,321	03-05-1996	Puno et al.	
	AS1*	US-5,514,132	05-07-1996	Csematony et al.	

Examiner Signature		Date Considered	
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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				First Named Inventor	Bryan S. Jones
				Art Unit	3732
				Examiner Name	Not Yet Assigned
Sheet	2	of	5	Attorney Docket Number	101896-0366

	AT1*	US-5,527,314	06-18-1996	Brumfield et al.	
	AU1*	US-5,534,002	07-09-1996	Brumfield et al.	
	AV1*	US-5,562,662	10-08-1996	Brumfield et al.	
	AW1*	US-5,586,983	12-24-1996	Sanders et al.	
	AX1*	US-5,601,552	02-11-1997	Cotrel	
	AY1*	US-5,616,142	04-01-1997	Yuan et al.	
	AZ1*	US-5,624,442	04-29-1997	Mellinger et al.	
	AA2*	US-5,651,789	07-29-1997	Cotrel	
	AB2*	US-5,669,910	09-23-1997	Korhonen et al.	
	AC2*	US-5,683,393	11-04-1997	JAMES D. RALPH	
	AD2*	US-5,700,292	12-23-1997	Margulies	
	AE2*	US-5,707,372	01-13-1998	Errico et al.	
	AF2*	US-5,709,685	01-20-1998	Dombrowski et al.	
	AG2*	US-5,743,907	04-28-1998	Asher et al.	
	AH2*	US-5,752,955	05-19-1998	Errico	
	AI2*	US-5,885,284	03-23-1999	Errico et al.	
	AJ2*	US-5,928,232	07-27-1999	Howland et al.	
	AK2*	US-5,989,250	11-23-1999	Wagner et al.	
	AL2*	US-6,063,089	05-16-2000	JOSEPH ERRICO	
	AM2*	US-6,110,173	08-29-2000	JAMES C. THOMAS JR.	
	AN2*	US-6,126,660	10-03-2000	Dietz	
	AO2*	US-6,139,548	10-31-2000	Errico	
	AP2*	US-6,217,578	04-17-2001	Crozet et al.	
	AQ2*	US-6,273,888-A1	08-14-2001	Justis	
	AR2*	US-6,287,309	09-11-2001	Bacelli et al.	
	AS2*	US-6,315,779	11-13-2001	Morrison et al.	
	AT2*	US-6,402,751	06-11-2002	James Hoeck	
	AU2*	US-6,432,108	08-13-2002	Ian Burgess	
	AV2*	US-6,554,832-A1	04-29-2003	Shluzas	
	AW2*	US-6,641,583-A1	10-03-2002	Shluzas et al.	
	AX2*	US-6,673,073	01-06-2004	Schafer	
	AY2*	US-6,736,817	05-18-2004	Thomas Troxell	
	AZ2*	US-6,958,066-A1	08-14-2003	Richelsoph et al.	
	AA3*	US-6,752,807	06-22-2004	Chih-I Lin	
	AB3*	US-6,689,133	02-28-2002	Matthew Morrison	
	AC3*	US-6,616,668-A1	03-14-2002	Altarac et al.	
	AD3*	US-6,328,741	12-11-2001	MARC RICHELSON	
	AE3*	US-6,283,967	09-04-2001	Troxell et al.	
	AF3*	US-6,234,705	05-22-2001	Troxell	
	AG3*	US-6,171,311	01-09-2001	MARC RICHELSON	
	AH3*	US-6,136,003	10-24-2000	Hoeck et al.	
	AI3*	US-6,113,600	09-05-2000	Drummond et al.	
	AJ3*	US-6,083,226	07-04-2000	Fiz	
	AK3*	US-5,980,523	11-09-1999	ROGER P. JACKSON	
	AL3*	US-5,947,966	09-07-1999	Drewry et al.	
	AM3*	US-5,899,903	05-04-1999	Cotrel	
	AN3*	US-5,776,135	07-07-1998	Errico et al.	

Examiner Signature		Date Considered	
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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				First Named Inventor	Bryan S. Jones
				Art Unit	3732
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Sheet	3	of	5	Attorney Docket Number	101896-0366

	AO3*	US-5,743,911	04-28-1998	Cotrel	
	AP3*	US-5,716,355	02-10-1998	Jackson et al.	
	AQ3*	US-5,709,684	01-20-1998	Errico et al.	
	AR3*	US-5,704,936	01-06-1998	Mazel	
	AS3*	US-5,667,507	09-16-1997	Corin et al.	
	AT3*	US-5,662,853	09-02-1997	Hattori et al.	
	AU3*	US-5,630,816	05-20-1997	Kambin	
	AV3*	US-5,620,444	04-15-1997	Assaker	
	AW3*	US-5,609,592	03-11-1997	Brumfield et al.	
	AX3*	US-5,591,165	01-07-1997	Jackson	
	AY3*	US-5,584,831	12-17-1996	McKay	
	AZ3*	US-5,562,663	10-08-1996	Wisnewski et al.	
	AA4*	US-5,549,607	08-27-1996	Olson et al.	
	AB4*	US-5,531,745	07-02-1996	Ray	
	AC4*	US-5,522,816	06-04-1996	Dinello et al.	
	AD4*	US-5,487,742	01-30-1996	Cotrel	
	AE4*	US-5,470,333	11-28-1995	Ray	
	AF4*	US-5,439,463	08-08-1995	Lin	
	AG4*	US-5,423,818	06-13-1995	Van Hoeck et al.	
	AH4*	US-5,403,316	04-04-1995	Ashman	
	AI4*	US-5,368,594	11-29-1994	Martin et al.	
	AJ4*	US-5,334,203	08-02-1994	Wagner	
	AK4*	US-5,312,405	05-17-1994	Korotko et al.	
	AL4*	US-5,275,600	01-04-1994	Allard et al.	
	AM4*	US-5,234,431	08-10-1993	Keller	
	AN4*	US-5,190,543	03-02-1993	Schlapfer	
	AO4*	US-5,176,678	01-05-1993	Tsou	
	AP4*	US-5,147,360	09-15-1992	Dubousset	
	AQ4*	US-5,133,716	07-28-1992	Plaza	
	AR4*	US-5,127,912	07-07-1992	Ray et al.	
	AS4*	US-5,116,334	05-26-1992	Cozad et al.	
	AT4*	US-5,102,412	04-07-1992	Rogozinski	
	AU4*	US-5,084,049	01-28-1992	Asher et al.	
	AV4*	US-5,030,220	07-09-1991	Howland	
	AW4*	US-5,010,879	04-30-1991	Moriya et al.	
	AX4*	US-5,002,542	03-26-1991	ROBERT FRIGG	
	AY4*	US-4,950,269	08-21-1990	Gaines, Jr.	
	AZ4*	US-4,887,595	12-19-1989	Heinig et al.	
	AA5*	US-4,805,602	02-21-1989	Puno et al.	
	AB5*	US-4,771,767	09-20-1988	ARTHUR D. STEFFEE	
	AC5*	US-4,719,905	01-19-1988	Steffee	
	AD5*	US-4,658,809	04-21-1987	Ulrich et al.	
	AE5*	US-4,653,481	03-31-1987	Howland et al.	
	AF5*	US-4,641,636	02-10-1987	Cotrel	
	AG5*	US-4,611,580	09-16-1986	Wu	
	AH5*	US-4,404,967	09-20-1983	Bacal et al.	
	AI5*	US-4,179,905	12-25-1979	Schultenkamper	

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				Art Unit	3732
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Sheet	4	of	5	Attorney Docket Number	101896-0366

	AJ5*	US-4,011,602	03-15-1977	Rybicki et al.	
	AK5*	US-3,499,222	03/1970	Linkow et al.	
	AL5*	US-2,638,301	05-12-1953	Smith	
	AM5	US-900,717	10/1908	Feaster	
	AN5	US-483,342	09/1892	Bolte	
	AO5	US-180,881	08/1876	Howson	
	AP5*	US-20050228326-A1	10-13-2005	Kalfas et al.	
	AQ5*	US-20040116928-A1	06-17-2004	Young et al.	
	AR5*	US-20040039385	02-26-2004	Keyvan Mazda	
	AS5*	US-20030028192-A1	02-06-2003	Schar et al.	
	AT5*	US-20030045874-A1	03-06-2003	Thomas	
	AU5*	US-20020143330	10-03-2002	Alan Shluzas	
	AV5*	US-20020111625-A1	08-15-2002	Richelsoph et al.	
	AW5	US-4,611,582	09-16-1986	Duff	
	AX5*	US-20050090821-A1	04-28-2005	Berrevoets et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	EP-0820722	01-28-1998	Societe Etudes et Developpements		
	BB	FR-2,697,743	05-13-1994	Fabrication Material Orthopediques		✓
	BC	JP-2000-033091	02-02-2000	Solco Surgical Instrument Co.		
	BD	WO-91/16020	10-24-1991	Johnson Service Co.		
	BE	EP-0956829	11-17-1999	Howmedica GmbH		
	BF	EP-0878170	11-18-1998	Surgical Dynamics, Inc.		✓
	BG	FR-2,645,427	10-12-1990	Cotrel Yves		✓
	BH	EP-0242708	10-28-1987	Harms Jurgen		
	BI	DE-3639810	05-26-1988	Ulrich Heinrich		✓
	BJ	SU-286136	11/1970			
	BK	JP-11-244299	09-14-1999	Robert Reed Shokai		
	BL	SU-1823791	06/1993			
	BM	DE-867422	02-16-1953	Dr. Abel Alfred		✓
	BN	GB-2173104	10-08-1986	Peter John Webb		
	BO	FR-2,816,195		Taylor et al. w/English abstract		
	BP	FR-2,795,622	01-01-2005	Gerard Vanacker		✓
	BQ	WO-90/04948	05-17-1990	Surgicarpt Ltd.		
	BR	WO-00/57801	10-05-2000	Surgical Dynamics, Inc.		
	BS	DE-3219575	12-01-1983	Patrick Kluger		✓
	BT	DE-4330837	03-16-1995	Michael Hahn		✓
	BU	WO-95/13754	05-26-1995	Cross Medical Products Inc.		
	BV	GB-2208476	04-05-1989	Mehdian Seved Mohammed		
	BW	FR-2,624,720	06/1989	Fabrication Materiel Orthopedi		
	BX	WO-00/59387	10-12-2000	Svnthes AG (CH)		

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	BY	WO-87/00160	01-15-1987	Svenka Utvecklings AB		
	BZ	GB-167228	07-26-1921	Stanley Watkin Darker		✓
	BA1	EP-0128058	12-12-1984	Cotrel		
	BB1	WO-01/24718	04-12-2001	Blackstone Medical		
	BC1	FR-2,714,590	07-07-1995	Jean Pierre Lenfant		✓
	BD1	WO-01/01872	01-11-2001	Vanacker, Gerard		✓
	BE1	EP-0956829	11-17-1999	Howmedica GmbH		✓
	BF1	WO-02/30307	04-18-2002	Spinal Concepts, Inc.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Asher, et al., "A Modular Spinal Rod Linkage System to Provide Rotational Stability", SPINE, Volume 13, Number 3, pages 272-277, 1998	
	CB	Carson et al., "Internal Forces and Moments in Transpecular Spine Instrumentation", SPINE, Volume 15, Number 9, pages 893-901	
	CC	Martin H. Krag, "Biomechanics of Thorocolumbar Spinal Fixation," SPINE, Volume 16, Number 3, Supplement, pages S84-S99 (1991)	
	CD	Lim, et al., "Biomechanics of Transfixation in Pedicle Screw Instrumentation", SPINE, Volume 21, Number 19, pages 2224-2229, 1996	
	CE	Betz, Randall R. et al., DePuy AcroMed Brochure, "Fronterior Anterior Deformity System," Surgical Technique, 21 pages, August 2002	
	CF	DePuy AcroMed, "CrossOver CrossConnector" brochure, April 2003	
	CG	Dick et al., "Mechanical Evaluation of Cross-Link Designs in Rigid Pedicle Screw Systems", SPINE, Volume 22, Number 4, pages 370-375, 1997.	
	CH	Kaneda, Kiyoshi et al., DePuy AcroMed Brochure "Kaneda SR Anterior Spinal System," Surgical Technique, pages 1-11, 1999	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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